

Attorney's Docket No. 9233-63



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ekwuribe et al.
Serial No.: 09/873,797

Confirmation No.: 2859

Group Art Unit: 1654

Filed: June 4, 2001

Examiner: Jeffrey E. Russel

For: *Mixtures of Drug-Oligomer Conjugates Comprising Polyalkylene Glycol,
Uses Thereof, and Methods of Making Same*

June 9, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Also enclosed is a check including the amount of \$55.00 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 50-0220 for any additional fee which may be required or credit any overpayment.

Respectfully submitted,

Shawna Cannon Lemon
Registration No. 53,888

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 472512742 US
Date of Deposit: June 9, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan E. Freedman

Date of Signature: June 9, 2004



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TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321

Sir:

I, Shawna Cannon Lemon, am an attorney of record of the disclaimant, Nobex Corporation, and am authorized to execute this disclaimer on behalf of Nobex Corporation. The disclaimant, Nobex Corporation, having a principal place of business at 617 Davis Drive, Durham, NC 27709, is the owner of all right, title, and interest in the above-identified application, by Assignment recorded at the U.S. Patent and Trademark Office ("PTO") on October 5, 2001, at Reel 012241, Frame 0332.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of any patent granted on United States Application Serial No. 09/873,899, filed June 4, 2001, as presently shortened by any terminal disclaimer, which patent application was assigned to the above-identified disclaimant by an Assignment recorded at the PTO on October 10, 2001, at Reel 012245, Frame 0436; United States Application Serial No. 09/873,757, filed June 4, 2001, as presently shortened by any terminal disclaimer, which patent application was assigned to the above-identified disclaimant by an Assignment recorded at the PTO on October 10, 2001, at Reel 012276, Frame 0748; and/or the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Patent No. 6,713,452, issued March 30, 2004, as presently shortened by any terminal disclaimer, which patent was assigned to the

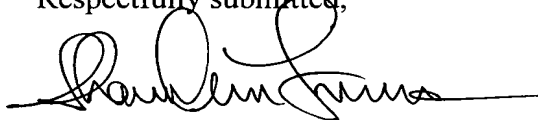
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Serial No.: 09/873,797
Filed: June 4, 2001
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above-identified disclaimant by an Assignment recorded at the PTO on October 10, 2001, at Reel 012245, Frame 0495.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the patent granted on the above-identified patent application and United States Application Serial Nos. 09/873,899 and 09/873,757, and U.S. Patent No. 6,713,452 are commonly owned. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of any patent granted on United States Application Serial Nos. 09/873,899 and 09/873,757, and U.S. Patent No. 6,713,452, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,



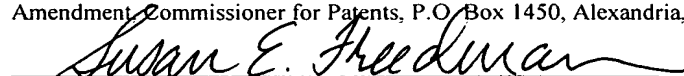
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Susan E. Freedman
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